THE INDEPENDENT.

JOSEPH A. KELLY, EDITOR AND PROPRIETOR.

M'CONNELSVILLE, OHIO:
FRIDAY, . . . April 14, 1871.

Prohibition STATE TICKET.

FOR GOVERNOR,
GIDEON T. STEWART, of Huron.
FOR LIEUT. GOVERNOR,
P. M. WEDDELL, of Montgomery.
FOR BOARD OF PUBLIC WORKS,
L. B. SILVER, of Columbiana.
FOR SUPREME JUDGE,
SAMUEL E. ADAMS, of Cuyahoga.
FOR TREASURER,
THOMAS EVANS, Jr., of Delaware.
FOR ATTORNEY GENERAL,
J. W. STINCHCOMB, of Hocking.
FOR STATE COMMISSIONER OF COM. SCHOOLS,
DR. SOLOMON HOWARD, of Athens.
FOR CLERK OF SUPREME COURT,
ARZA ALDERMAN, of Morgan.
FOR AUDITOR OF STATE,
W. B. CHADWICK, of Franklin.

Platform of the National Prohibition Party.

Adopted at the Chicago Convention, Sept'r. 2, 1869.

WHEREAS, Protection and allegiance are reciprocal duties, and every citizen who yields obedience to the just commands of his government is entitled to the full, complete and perfect protection of that government in the enjoyment of personal security, personal liberty, and private property, and

WHEREAS, The traffic in intoxicating drinks greatly impairs the personal security and personal liberty of large masses of citizens, and renders private property insecure, and

WHEREAS, The existing parties are hopelessly unwilling to adopt an adequate policy on this question, therefore we, in national convention assembled, as citizens of this free republic, sharing in the duties and responsibilities of its government, in the discharge of a solemn duty we owe to our country and our race, unite in the following declaration of principles:

1. That while we acknowledge the pure patriotism and profound statesmanship of those patriots who laid broad and deep the foundations of this government, securing at once the rights of the States severally and their inseparable union by the Federal Constitution, we would not merely garnish the sepulchers of our republican fathers, but we do hereby renew our solemn pledge of fealty to the imperishable principles of civil and religious liberty embodied in the Declaration of American Independence and our Federal Constitution.

2. That the traffic in intoxicating beverages is a dishonor to christian civilization, inimical to the best interests of society, a political wrong of unequaled enormity, subversive of the ordinary objects of government, not capable of being regulated or restrained by any system of license whatever, but imperatively demanding for its suppression effective legal prohibition both by State and National Legislation.

3. That in view of this, and inasmuch as the existing political parties either oppose or ignore this great and paramount question, and absolutely refuse to do anything toward the suppression of the rum traffic, which is robbing the nation of its brightest intellects, destroying its material prosperity, and rapidly undermining its very foundations, we are driven by an imperative sense of duty to sever our connection with these political parties, and to organize ourselves into a National Prohibition Party, having for its primary object the entire suppression of the traffic in intoxicating drinks.

4. That while we adopt the name of the National Prohibition Party, as expressive of our primary object, and while we denounce all repudiation of the public debt, and pledge fidelity to the principles of the Declaration of Independence and the Federal Constitution, we deem it inexpedient to give prominence to other political issues.

5. That a Central Executive Committee of one from each State and Territory and the District of Columbia, be appointed by the Chair, whose duty it shall be to take such action as in their judgment will best promote the interests of the party.

THE PEOPLE OF MORGAN COUNTY are again addressed by Judge Granger through our paper. He says the whole of his argument is for the purpose of refuting our charge that, in the past, he has "changed horses as he changed counties in riding through his Judicial district," and he asserts that his conduct has been the same in all the counties. Let us examine his statements and see if they sustain him in his claims. We will not ask the reader, and we assure the Judge we have some, to take anything but the Judge's own story into consideration.

To do away with the effect of our statement of last week, which he admits to be true, that he has only sentenced four out of fourteen violators of the liquor law to jail in Muskingum county, he asserts that he did not establish the rule to make imprisonment a part of the sentence in such cases until the January Term, 1870. In the next to the last paragraph of his article, he admits that he never, before or since the establishment of the rule, sentenced a man in Muskingum county to more than ten days imprisonment, nor to pay a fine of more than fifty dollars. Now, notwithstanding that there has not been anyone tried before him for violating the liquor law in Morgan county since he claims to have established the rule, yet he confesses to sentencing one of our citizens to twenty days imprisonment, another to fifteen, and to assessing fines as high as a hundred dollars, and to having sentenced one Noble county man to jail for thirty days and to pay a fine of one hundred dollars. Here, then, we have him confessing to imposing double and treble the penalties in Morgan and Noble under a lenient rule that he imposes in Muskingum under a more severe rule. Does not this look as though the Judge has been influenced by the sentiment of the people in the different counties? It is true he states that these Morgan and Noble men were old offenders, &c. He might also have stated that some of those he sentenced in Muskingum were not only old offenders, but were amongst the worst characters ever in Muskingum county, but the Judge don't think this necessary to be mentioned. Everybody will admit that Muskingum county has been cursed by the Liquor Traffic to fourfold the extent that Morgan or Noble has, and it occurs to us that a Judge not influenced by the popularity or unpopularity of the measure, would make his greatest examples where they are most needed. We think this settles the question as to the "changing of horses," and are willing to submit it to the people with one more suggestion, to-wit: It is exceedingly strange that the Judge is regarded in Muskingum as favoring a License law, and in Noble and Morgan as being almost a Prohibitionist. These positions are irreconcilable, and we cannot account for the Judge occupying both of them on any other hypothesis than that somebody has been deceiving the people most shamefully in one locality or the other. If the Judge's "friends" are responsible for this state of affairs, we advise him to revise his list. The people judge of a man as he is put before them by his "friends."

We would close here were it not that the Judge persists in claiming that we asserted he was guilty of neglecting his duty to an extent that would render him liable to removal by impeachment. We did not do anything of the kind. Our charge against the *Judge* is no more serious than the one he does not hesitate to make against the Prosecuting Attorney of Muskingum county. We charged the Judge with not using his full official power to suppress the illegal vending of liquors in Muskingum county, which it was necessary for him to do to be consistent with his advocating temperance, and we admitted at the same time that he fulfilled the letter of the law. The Judge charges the Prosecuting Attorney of Muskingum county with not doing his duty, at the same time admitting that the Prosecuter fills the letter of the law; yes, he even goes so far in his charge against the Prosecuter in his letter of last week, as to call on the people not to reelect him if they desire the liquor law to be enforced, this, too, before it is known whether or no there will be an opposing candidate that will avow himself ready and willing to do his duty. Certainly, now, if our charge against the Judge was of the character that he represents it, the Judge's charge against the Prosecutor must be subject to the same objection; and if we are censurable in the one instance, the Judge must be censurable in the other. The fact is, however, that there is a vast difference between an officer's barely filling the letter of the law and his exercising the full powers of his official position.

While it is the duty of every citizen to support the laws of his country, we hold it is peculiarly the duty of those the people have elevated to official positions of trust, honor, and profit, so to do; and if, at any time, society becomes so over run with lawlessness as to virtually defy the laws, not only will every good citizen rally to their support, but every officer should exert his utmost official power in their behalf. In Muskingum county we see the State Liquor law openly violated a thousand times a day, virtually defied; we see wives, mothers, sisters and innocent children suffering therefrom; we see almost every old family of Zanesville mourning for a father, brother or son that has gone down to a drunkard's grave; we see misery, poverty, shame where happiness, affluence and honor should be—all the result of this lawlessness—and where do we find Judge Granger? Do we find him exercising his full power as an official against this lawlessness in his own city? We find the Republican press teeming with praise of him as a great temperance man! We find newspaper correspondents, Republicans, speaking of him as one who peculiarly honors a Temperance Society by condescending to address it! We find his name, his position, even his voice used in temperance localities for the purpose of characterizing the Republican party as the temperance party! But do we find him maintaining this character, given to him by the Republican press, in Muskingum county where it is peculiarly his duty to do all he can to further the temperance cause? We leave the reader to answer this question.

The Judge sees proper to construe his power to send a Grand Jury back to their room and to refuse to discharge it, and also his power to appoint an Assistant Prosecuting Attorney under the section on page 1153 of Swan & Critchfield, in such a manner as is convenient for his position, and tells the people thereby, that it is the duty of a Judge to occupy his time charging a Grand Jury relative to a prevalent crime when he knows they will not pay any attention to his charge and that he has no power to compel them to do so. Those that want to believe such nonsense as that are welcome to do so. We'll not spend time or space in arguing it.

In closing, it may be well enough to state that had the Judge seen proper to express himself relative to ourself or our articles, we would have published his opinion with great pleasure. Should he at any time feel disposed to while away an idle hour in that way, we wish him to be assured that our columns will always be open for his accomodation.

McConnelsville Beer Ordinance.

Since the Supreme Court of Ohio has pronounced our Prohibitory Beer Ordinance to be Constitutional, and valid in all respects, there has been numerous applications made from various parts of the State for copies of it. Copies being scarce, and it being considerable trouble to write them so frequently, we republish the Ordinance as it originally appeared in our paper, the CONSERVATIVE of September 17th, 1869:

AN ORDINANCE,

To Restrain and Prohibit Ale, Beer, and Porter Houses and Shops, and Places of Habitual Resort for Tippling and Intemperance.

SECTION 1. Be it ordained by the Council of the Incorporated Village of McConnelsville, Ohio, that it shall be unlawful for any person or persons to keep within the said Incorporated Village of McConnelsville, any house, room, shop, booth, arbor, cellar, or place of habitual resort for tippling or intemperance.

SECTION 2. Be it further ordained, that it shall be unlawful for any person or persons to keep within the said Incorporated Village of McConnelsville, a house, shop, room, booth, arbor, cellar, or place where ale, porter, or beer is habitually sold or furnished to be drank in, upon or about the house, shop, room, booth, arbor, cellar or place where so sold or furnished.

SECTION 3. And be it further ordained, that for any violation of the first section of this Ordinance, the person or persons so offending, shall, upon conviction, forfeit and pay a fine of not less than ten dollars, or more than fifty dollars, and shall also be imprisoned in the County jail for a period not exceeding thirty days. That for every violation of the second section of this Ordinance, the person or persons so offending, shall, upon conviction, forfeit and pay a fine not exceeding fifty dollars, and be imprisoned in the County jail not exceeding twenty days.

SECTION 4. Be it further ordained, that all prosecutions under this Ordinance, shall be in the name of the Incorporated Village of McConnelsville, and shall be commenced upon a written complaint, under oath or affirmation, before the Mayor or said Village; and, upon the filing of such complaint, the Mayor shall issue a warrant, directed to the Marshal of said Village, for the arrest of the accused. The Marshal shall forthwith arrest the person thus charged and bring the accused before the Mayor, who shall proceed as provided by law; and the Mayor, upon conviction of any person for the violation of any of the provisions of this Ordinance, may make it a part of the sentence that the accused shall stand committed to the jail of the County until the fine and costs assessed against such person shall be paid or secured to be paid or otherwise discharged according to law.

SECTION 5. It shall be the duty of the Marshal and Assistant Marshals, of said Village, to make complaint against all persons found violating any of the provisions of this Ordinance.

SECTION 6. This Ordinance shall take effect from and after its second publication in the CONSERVATIVE, a newspaper printed in said Village of McConnelsville, Ohio.

JAMES WATKINS, *Mayor.*
JNO. H. MUSEY, *Clerk.*

The following telegram tells the situation in Paris:

Paris, April 10.—Unless the Germans save us, Paris must soon swim with blood. The commune hourly grows more desperate and resorts to fierce excesses. The Conciergerie is filled with priests and nuns, who have been arrested on warrants calling them "citizens styled servants of a person called God." Archbishop Durboy was stripped naked, bound to a pillar, and scourged and mocked for hours by a band of two hundred Reds.

The national debt of Great Britain is rather of ancient origin, having been first contracted on Parliamentary security in Henry VI.'s reign. In 1567 it amounted to but five million pounds; in 1614 it was 46 millions; in 1748, 64 millions; 74 millions in 1757; 100 millions in 1762; 127 millions in 1772; 274 millions in 1784. At present the total capital of the funded and unfunded debt on March 31st, 1870, was 748,276,183 pounds.

Programme for observance of wedding anniversaries: First anniversary, iron; fifth, wooden; tenth, tin; fifteenth, crystal; twentieth, china; twenty-fifth, silver; thirtieth, cotton; thirty-fifth, linen; fortieth, woolen; forty-fifth, silk; fiftieth, golden; seventy-fifth, diamond!

Mrs. Sarah Hand, ninety-three years of age, who has quite an interesting history, has just died at Cape May Court House. When a young lady she was among those who, on Washington's triumphal passage through Trenton, strewed flowers in his path. Her husband was an officer in the revolutionary war, and also in the war of 1812.

Another Letter from Judge Granger.

ZANESVILLE, O., April 7, 1871.

To the People of Morgan County:

Because I tried to be brief in my letter of April 1st, the Editor of the *Independent*, (late *Conservative*,) has misunderstood the intent of that letter, and as I fear some of you may do the like, I deem it necessary to write once more.

On March 31st the *Conservative* charged that I did my duty as Judge in Morgan and Noble where temperance was popular, and did not do it in Muskingum *because* there it was not popular. If guilty, I deserved impeachment under the law, and contempt among all honorable men. To *this charge* only was my reply directed, although incidentally the Caldwell lecture was referred to. My only object in writing was to show that my conduct was the same in Muskingum as in the other counties, and I related my action as Prosecuting Attorney with no thought or purpose of showing that I was a temperance man, but solely for the purpose of showing that *when it was my duty* to prosecute those who violate the liquor law in *Muskingum* county, I did it openly and earnestly and without regard to popularity. I have never claimed to be what the Editor considers an earnest and model temperance man, and I have never sought to induce any one to believe me such. I have never sought opportunities to talk temperance, and I never shunned such conversation. When occasion made it proper to talk on that subject, I have spoken my thoughts just as I do on any subject of interest. In Morgan, I have deprecated the political action of the Prohibitionists as freely in conversation with members of that party as with others, and in Muskingum I have expressed my regret that violators of the liquor law were not so prosecuted as to force obedience to the law, as openly and freely to liquor sellers themselves as to others. But I do not desire to discuss the question whether I am an earnest temperance man or not. The Editor, and everybody else, may attack me upon that branch of the question as often as they please, and I will not reply except as my daily life may make reply. Neither do I propose to discuss the wisdom or legality of my Judicial acts. I only wish to show that I have not "changed horses as I changed counties"; that my action in Muskingum has been the same as it was in Morgan and Noble. The reader, if I have any, will please bear in mind that I write for this single purpose, and for nothing else.

As it might be claimed that the failure of the Prosecuting Attorney and Grand Juries of Muskingum to indict Zanesville violators of the liquor law called for some further action by me in that county, to show that I discharged my duty as zealously there as elsewhere, I stated what I conceived to be the duties and powers of a Judge. To show that I spoke from the bench as plainly there as elsewhere, I stated that I had announced in Muskingum with more emphasis than in the other counties that as a general rule I would make imprisonment a part of the sentence. I did not name the date of that declaration because I supposed the Editor, as a lawyer, knew when I made it in Morgan. But in his paper of this day, he treats it as made at the beginning of my term, and says I only sentenced four out of fourteen to jail. The declaration of that rule, as a rule, was not made until the January term, 1870, although I had previously announced that I contemplated its adoption, and since that term, in that county, my sentences to jail have been two out of three, and the one not sent to the jail was a widow woman. I will procure from the clerks of the three counties lists of my sentences during my entire term and will send them to the Editor, accompanied by an abstract of the same, and desire that either the complete list or the abstract be published at the end of this letter, so that you can judge whether I have been more tender in Muskingum than in Morgan or Noble.

Here I might close, but the Editor asks two questions to which I will make very brief answers. First, he asks, cannot the Judge send Grand Juries back to their rooms and refuse to discharge them unless they do their duty? He can; but before he does so the Judge must have *legal evidence* of their neglect. The Grand Jury are legally bound to examine such witnesses as are called by the Prosecuting Attorney, or named in a Justice's transcript; or suggested to them by some person making complaint; or suggested to them by a Grand Juror through his own knowledge or information, (not mere suspicion); or suggested in the evidence of some other witness. The Judge can only know what the Grand Jury does or fails to do in discharge of this duty of examining by being informed by the Prosecuting Attorney, or by the Foreman or other member of the Grand Jury, or by some person making complaint; and no member of the Grand Jury can inform the Judge of any fact except he may state that the business has not been completed and protest against a discharge, he may say that such and such witnesses have not been examined, or that evidence has been heard that calls for an indictment which has not been found. No complaint of any kind has ever been made to me, or in my court, against any Grand Jury or Grand Juror, and I have ner yet had a legal right to refuse to discharge any Grand Jury. Second, he asks, can not the Judge appoint a Prosecuting Att'y without removing the one elected by the people? The law says an appointment can be made of an Assistant Prosecuting Attorney when the Court "thinks it necessary *to assist the Prosecuting Attorney in the trial of any case pending before said Court*". [Swan & Snyler, p. 634.] This power is to appoint an assistant *to assist in a trial of a case already pending*. Of course this assistant has nothing to do with the Grand Jury. On page 1153, Swan & Critchfield, the Court is empowered to, "whenever in the opinion of any Judge the public interests require it," appoint "an Assistant Prosecuting Attorney to aid in the prosecution of such offense as to the Court shall seem proper." As I understand this section, it relates to some specific case, not to all cases under any specified law; and before the Judge can so appoint he must be informed of the existence of a charge of crime which cannot or will not be properly attended to by the regular Prosecutor. No such case has ever been brought to my notice under the liquor law, but in two cases of manslaughter I was so informed, and in each case I appointed an assistant.

In conclusion I will suggest as matter for thought merely, (for I will not hereafter discuss it or reply to anything that may be urged against it,) the following:

The law provides Judges, Prosecuting Attorneys and Grand Juries, not as different members of a Police to act upon suspicion of criminality, but to act upon complaint made by some body. However strongly a Justice of the Peace may suspect a man of crime, he can issue no warrant for his arrest unless some *other* person first makes the affidavit required by law. The Prosecuting Attorney must conduct all suits in which the State is a party, but it is not made his *duty* to say *when* a suit shall be begun. If complaint be made he *must* move. The Grand Jury must "diligently *inquire*," but that does not mean that they are to go around asking for witnesses. When they *know*, or have reasonable ground to *believe* that A. knows a law has been violated, they must send for A. and examine him. There is a duty resting upon the people: The man who has the means of informing the Prosecuting Attorney, the Grand Jury or the Magistrate, ought to do it. When earnest temperance men make complaint according to law, and a Prosecuting Attorney or Grand Jury fails to attend to such complaint, then the misconduct must be made known to the Judge in the manner provided by the law. If the Judge then neglects or refuses to do what the law gives him power to do by way of punishment for the neglect, then will be the time to accuse the Judge, before the people, of misconduct in office.

In order that I may be clearly understood, I have in neither letter desired or attempted to reply to the editorials of Mr. Kelly. I distinctly specified one charge made by him and limited my reply to that. I have carefully refrained from any indication of my opinion of him or of his articles.

Although I wrote to McConnelsville and Caldwell for certified lists of my sentences in liquor cases, and asked that they be sent me by Monday's mail, none have come to hand yet, and it is now noon of Tuesday. I will, therefore, state from my recollection: Total number of sentences in Muskingum, fourteen. There were more in Noble than in Muskingum, and more in Morgan than in Noble. In Muskingum, four persons were sentenced to jail for ten days each; in Noble three persons were sent to jail, (two for ten days each, and one, an old and incorrigible offender, for thirty days); in Morgan four or five were sentenced to jail, one for twenty days, (keeping a room,) one for fifteen days, and others for ten days each. The two for twenty and fifteen days were men, who besides having bad cases, aggravated them by the kind of defenses presented in court. I am unable to remember the fines, but they ranged in Muskingum from $10 to $50; in Noble from $10 to $50, and in one case, that of the old offender, $100; in Morgan from $5 to $50, except in one case, or perhaps two, when the fine for keeping a room was $100. As to Noble and Morgan, I write from recollection merely. As to Muskingum, my statement is made up from the record.

Having fully expressed my views in regard to the only charge about which I feel any concern, I do not propose to write again. Respectfully yours,

MOSES M. GRANGER.

Notice to Bridge Builders.

Notice is hereby given that sealed proposals will be received at the Auditor's Office of Morgan county, Ohio, until ten o'clock, A. M., on Friday the 14th day of April, 1871, for furnishing all the necessary material and building the superstructure of a wooden bridge across Mast's Fork of Meigs' creek, on land of Zachariah Cuddington in Bloom township, of about 45 foot span; also for one of about the same dimensions across the same stream near Robert Henderson's, in Bristol township; also for one of about 60 foot span across Big Bottom Run near Guthrie's salt works in Bloom township; also for one of about 60 foot span across Wolf Creek on land of Henry Janes', in Penn township. All of said bridges to rest on stone abutments, and to be built on the plan of the new bridge over Sunday creek near Ward's old mill in Union township. All of said proposals must state the price per foot lineal for the wood work, (including the anchors, and the proposals for the stone work must state the price per perch (of 24 cubic feet), including all the necessary excavating and timber for foundations. The plan of said bridges may be seen at the Auditor's office. The Commissioners reserve the privilege of rejecting any or all of said bids. The contractors will be required to give Bonds.

By Order of the Commissioners.
JAMES B. M'GREW, Aud. M. C.
March 24, 1871—3w.
